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09/558,519	04/26/2000	Peter V. Boesen M.D.	P04179US0	9687

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801 GRAND AVENUE  
SUITE 3200  
DES MOINES, IA 50309-2721

EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/558,519

Applicant(s)

BOESEN M.D., PETER V.

Examiner

Alexander Kalinowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 84-91 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 84-91 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. Claims 84-91 are presented for examination. Applicant filed a request for continued examination on 12/9/2003 along with an amendment canceling claims 35, 36, and 68-83 and adding new claims 84-91. In light of Applicant's request for continued examination and cancellation of claims 35, 36 and 68-83, the final rejection of claims 35, 36, and 68-83 is withdrawn. However, new grounds of rejection of claims 84-91 are established in the instant office action as set forth in detail below.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 84-91 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 84, 88 and 89 are rejected under 35 U.S.C. 102(e) as being anticipated by Waters et al., Pat No. 6,393,404 (hereinafter Waters).

As to claim 84, Waters discloses A method for providing point of service medical reporting, comprising:

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receiving a selection of a patient procedure code from a care provider on a first computer at a point of service (col. 3, lines 43-52);

receiving a selection of at least one diagnosis code from the care provider on the first computer at the point of service (col. 3, lines 53-65);

linking the patient procedure code to the at least one diagnosis code on the first computer at the point of service (col. 3, lines 53-65).

As to claim 88, Waters discloses The method of claim 84 further comprising associating the patient procedure code and the at least one diagnosis code with patient data including patient identifying information (col. 4, lines 2-8).

As to claim 89, Waters discloses The method of claim 84 further comprising sending patient data, including patient identifying information to the first computer from a second computer prior to the steps of receiving a selection of a patient procedure code and receiving a selection of a diagnosis code (col. 4, lines 2-8).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 85-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waters as applied to claim 84 above, and further in view of Lavin et al, Pat. No. 5,772,585 (hereinafter Lavin).

As to claim 85, Waters does not explicitly disclose The method of claim 84 further comprising electronically sending patient data including the patient procedure code and the at least one diagnosis code from the first computer to a second computer.

However, Lavin discloses electronically sending patient data including the patient procedure code and the at least one diagnosis code from the first computer to a second computer (col. 8, line 59 – col. 9, line 8, and lines 35-57). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include electronically sending patient data including the patient procedure code and the at least one diagnosis code from the first computer to a second computer as disclosed by Lavin within Waters for the motivation of providing a comprehensive method of managing clinical medical information using a common user interface to access centralized files and recording patient examination data through convenient methods (col. 1, lines 53-62 and col. 3, lines 1-11).

As to claim 86, Water discloses the method of claim 85 further comprising displaying the patient procedure code and the at least one diagnosis code on a display of the first computer prior to the step of electronically sending (see Fig. 2 and Fig. 3).

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As to claim 87, Waters does not explicitly disclose the method of claim 85 further comprising generating a patient bill at the second computer, the patient bill associated with the patient data.

However, Lavin discloses generating a patient bill at the second computer, the patient bill associated with the patient data (col. 9, lines 38-40 and col. 13, lines 56-59). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include generating a patient bill at the second computer, the patient bill associated with the patient data as disclosed by Lavin within Waters for the motivation of providing a comprehensive method of managing clinical medical information using a common user interface to access centralized files and recording patient examination data through convenient methods (col. 1, lines 53-62 and col. 3, lines 1-11).

7. Claims 90-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waters in view of Lavin and Examiner's use of Official Notice.

As to claim 90, Waters discloses A method for providing point of service medical reporting to drive a billing system, comprising:  
sending patient records for a plurality of patients, including patient identifying information to a first computer at a point of service from a second computer (col. 4, lines 2-8);  
providing an interface for updating one of the patient records with medical service information by

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- (a) receiving a selection of a patient procedure code from a care provider on the first computer at the point of service (col. 3, lines 43-52),
- (b) receiving a selection of at least one diagnosis code from the care provider on the first computer at the point of service (col. 3, lines 53-65),
- (c) linking the patient procedure code, the at least one diagnosis code, and the patient record on the first computer at the point of service (col. 3, lines 53-65)

Waters does not explicitly disclose

- (d) sending the updated patient record from the first computer to the second computer

However, Lavin discloses sending the updated patient record from the first computer to the second computer (col. 8, line 59 – col. 9, line 8, and lines 35-57). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include electronically sending the updated patient data from the first computer to a second computer as disclosed by Lavin within Waters for the motivation of providing a comprehensive method of managing clinical medical information using a common user interface to access centralized files and recording patient examination data through convenient methods (col. 1, lines 53-62 and col. 3, lines 1-11).

Waters discloses displaying on the first computer a summary of each patient record, the summary comprising (a) patient identifying information (see Fig. 1 and Fig. 2)

Waters and Lavin do not explicitly disclose (b) an action associated with each of the plurality of patient records indicating that the patient record has been sent.

However, the Examiner takes official notice that it was well known in the computer arts to indicate that records have been sent. The motivation would be to

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ensure that communication/transmission has occurred successfully. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include an action associated with each of the plurality of patient records indicating that the patient record has been sent within Waters and Lavin for the motivation stated above.

As to claim 91, Waters and Lavin do not explicitly disclose The method of claim 90 further comprising:

receiving on the first computer a confirmation that the patient record was received by the second computer; and

changing the action associated with the patient record to indicate the updated patient record was received by the second computer.

However, the Examiner takes official notice that it was well known in the computer arts to confirm data transmission and provide an indication of the confirmation. The motivation was to ensure that data was transmitted successfully. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include receiving on the first computer a confirmation that the patient record was received by the second computer; and changing the action associated with the patient record to indicate the updated patient record was received by the second computer within Waters and Lavin for the motivation stated above



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**Conclusion**


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "Writing an Rx for doctors' woes", discloses use of PDA's to generate patient billing statements.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.



Alexander Kalinowski

Primary Examiner

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2/21/04